

Members Present: ECOSLO- Maria Lorca; Templeton Area Advisory Group - Nicholas Marquart; Active Agriculturalist – Charles Whitney; Subdivision Review Board, Public Works – Richard Marshall; Farm Bureau – Joy Fitzhugh; South County Advisory Council - Jesse Hill; Land Conservancy – “BK” Bruce Richard; City of Paso Robles- Ron Whisenand ; Sierra Club – Susan Harvey; Subdivision Review Board, Air Pollution Control Board – Aeron Arlin Genet; General Public – Melissa Boggs; General Public - Christine Volbrecht ;City of San Luis Obispo – Kim Murry; Development Firm – Denis Sullivan

Members Absent: Ag Liaison – Mark Pearce; Existing TDC receiver site – Chad Whittstrom

Committee Staff Present: Karen Nall and Kami Griffin, Planning and Building

Others Present: Lynda Auchinachie, Sue Luft, Dorothy Jennings and Kathy Sweet

Richard Marshall opens the meeting. Members introduce themselves. Michael Bell from the Nature Conservancy introduces himself. He notes that he worked within the New Jersey Pine Barrens area for a few years and provides an overview of the New Jersey Pine Barrens Transfer of Development Rights Program. The area includes 1 million acres, one third of which is in public ownership. Pine Lands it is centrally located between Atlantic City, Philadelphia and New York cities. The area is a unique intact pine forest habitat with a rich water aquifer. The area supports cranberries and blueberries. A federal reserve was created in 1979. The program was created in 1981 and the area includes 7 counties and 53 municipalities. The program is administered by the Pine Lands Development Bank which functions similar to the coastal commission. The program has 9 management areas which include preservation areas, agriculture areas as sending sites and designation receiving site areas. The program is the longest running program in the nation.

Chris Volbrecht questions how the mappings of the sending and receiving sites were done? Michael Bell notes that the primary concern was to identify what they are trying to protect which is a unique habitat of intact forest with wetland and agricultural areas. Charlie Whitney questions what is allowed on the land that is conserved. Michael Bell explains the deed restriction process and notes that he can provide us a copy of the standard restriction. Ron Whisenand questions how community support was achieved for the increased density. Michael Bell notes that the hardest part of the program is to designate the growth areas and notes that these areas are having a hard time excepting the increased development. He further notes that the process included all stakeholders but the increase density was a federal mandate. BK Richard questions whether the development areas were new areas or older areas. Michael Bell responds that the credits are used to retrofit older areas. Richard Marshall questions whether credits are required for any level of density? Michael Bell notes that development is allowed without a credit and that credits are used for a density bonus. Melissa Boggs questions whether the conservation easements have boiler plate language. Michael Bell responds yes and notes that he doesn't see any other way due to the size of the program area. Charlie Whitney notes that the feel having restrictions on the land is “a taking”. Michael Bell notes that he does not consider it a taking because it is a volunteer program. Richard Marshall notes that there is base zoning and allowable use on the land so it is not a taking. Michael Bell confirms that there are allowable uses on the agricultural lands including cedar harvest, cranberries and blueberries and notes that the deed restrictions is to restrict future residential development. Denis Sullivan questions how the fair value of the credit is achieved? Michel Bell responds that it is an open market selling process. He notes the number of the rights a sending site landowner is given is based on the following fixed formula:
1 right per 4.9 acres of ag land, 1 right per 9.8 acres of upland areas and 1 right per 49 acres of undeveloped wetland areas. The rights are granted based on the develop-ability of the parcels. Michael Bell adds that 4 rights are equal to 1 credit and 1 credit is need for each additional dwelling.

Denis Sullivan questions how the credits are bought and sold. Michael Bell responds that the bank brings the sellers and buyers together. He notes that the program calculated that 46,000 more homes could be constructed using TDCs. Discussion ensue regarding the recent program activity and cost of credits. Dorothy Jennings questions whether a credit was used for anything other than those new residences. Chris Volbrecht questions whether fees are required to be a sending site? Michael Bell responds that it is a simple process. Denis Sullivan notes the high property taxes in New Jersey and questions whether there is a tax break for sending sites. Michael Bell doesn't believe so but notes that the sending areas are most likely farm land accessed already. Maria Lorca notes that the difference with the County program is the Pine Barrens program calculated how many credits could be credited. Michael Bell agrees. Aeron Arlin Genet also notes that through the Pine Barren process the designated sending and receiving sites are mapped. Kim Murry notes that another difference with our program is that the credits are determined by value and not fixed acreage. Kami Griffin would like clarification on how the acreage versus credit determination was made. Michael Bell notes it was based upon the developability of the sending areas. He further adds that the sending areas are homogeneous which is not true in SLO County. Kami Griffin questions whether credits can be transferred anywhere within the program area and notes the program with connectivity between sending and receiving areas. Michael Bell responds that any transfers are allowed. BK Richard questions how much money is spent administering the program. Michael Bell responds that the Commission has a staff of 58 people and the Bank has a staff of 20 people. Jesse Hill questions what the zoning allows in the sending site. Charlie Whitney questions whether there has been an increase in public land acquisition. Michael Bell responds that one third is currently in public ownership and that the majority was under public ownership prior to the creation of the program. Melissa Boggs questions the stakeholder participation during the creation of the program. Michael Bell responds that he believes there was a lot of public participation and suggests our committee contact the Pine Lands agency. Richard Marshall questions the preservation areas and the forested area. Michael Bell notes that there are transition areas. BK Richard questions what land studies were done? Michael Bell responds that socioeconomic studies were completed. Dorothy Jennings questions whether antiquated subdivisions are an issue? Michael Bell responds yes but notes there is not the same development potential there. Joy Fitzhugh questions whether the TDC program has had an effect on the taxes. Michael Bell responds that a majority of the state's population is not in this area and doesn't believe it has had an effect. Jesse Hill questions whether the receiving site densities are a given. Michael Bell notes yes and that some areas are having difficulty accepting the increase in growth and moratoriums have been put in place in some areas. Susan Harvey questions whether a comprehensive plan was done. Michael Bell notes that the clear decisions were made up front by designating the receiving and sending areas. Denis Sullivan questions whether an EIR or EIS was prepared. Aeron Arlin Genet notes that the program does not protect from sprawl. Michael Bell responds that it was not a protection from sprawl but the goal was to protect the conservation area. Jesse Hill questions whether the program is successful from a political standpoint. Michael Bell responds that as a TDR program it functions well. Joy Fitzhugh questions how the stakeholders participated. Michael Bell responds that all stakeholders participated including the counties, cities and the military. Michael Bell suggests that the committee contact the Pine Barrens committee through a conference call. Kami Griffin questions how the nature conservancy functions and how the conservancy is funded. Michael Bell notes that conservation easements are a big expense and time consuming. The Nature Conservancy's goal is to protect unique biodiversity of different regions. Funding is mainly private funding. The committee thanks Michael Bell.

The minutes from September 19, 2007 are approved on a motion by Maria Lorca and seconded by Joy Fitzhugh.

Richard Marshall requests public comment for items not on this agenda. Chris Volbrecht notes that the Board will hear the South Atascadero Community Plan next Tuesday which will provide the committee some direction. BK Richard is concerned about the progress being made by the committee and suggests that a facilitator be hired. Charlie Whitney suggests forming a subcommittee of three or four

members to work some of the issues. Maria Lorca would like to add this use of a facilitator on the next agenda. Susan Harvey suggest meeting once a month for more time if a facilitator is used. BK Richards suggest putting an outline. Richard Marshall notes that we do have a work program. Karen Nall notes that the committee has requested a lot of background information which takes up a lot of the committee's time. She adds that the committee need to commit to completing each topic and that subcommittees may be a good way to proceeds. BK Richards comments that if alternative plans like land banking is suggested we will need to produce a work plan to facilitate those discussions. Jesse Hill suggests that the group start putting pen to paper and begin to draft a plan. Kami Griffin notes that she will be meeting with the cities tomorrow and will report back on their interest in participating in the program. Chris Volbrecht notes that she feels the committee is at the end of the information and learning phase and should begin the producing phase.

Meeting adjourned.

Next Meeting – November 7, 2007 at 3:00.